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July 12, 2004

Mr. Larry Norton
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5454 Response

Dear Mr. Norton,

This response is submitted on behalf of Edwards for President ("Committee"), Julius Chambers, as Treasurer, and Senator John Edwards with regard to a complaint filed by Mr. Paul R. Hollrah. (LYN: Note that Senator is not named as respondent.) The complaint, relying solely on an article published in the May 7, 2003 issue of *The Hill*, alleges that certain contributors to the Committee made contributions in the name of another in violation of 2 U.S.C. §441f. This complaint essentially reiterates the same allegations made in MUR 5366, also based on the same article.

The Federal Election Commission ("Commission") should dismiss this complaint as to the above respondents for two reasons: 1) it does not allege any violations by the Committee, its Treasurer or Senator Edwards; and 2) it makes no allegation and presents no evidence that the contributions cited in the news article are illegal.

Nowhere in the complaint is it alleged that the Committee ever knowingly accepted a contribution made in the name of another. 2 U.S.C. §441f provides that "...no person shall knowingly accept a contribution made by one person in the name of another person." (See also 11 C.F.R. §110.4(b)(iv).) Neither the complaint, nor the accompanying news article, alleges that the Committee, its Treasurer or Senator Edwards knowingly accepted an illegal contribution. Thus, as to these respondents, the complaint fails to allege a necessary element for a violation of the prohibition barring contributions in the name of another. Consequently, because the complaint alleges no violation by the Committee, its Treasurer or Senator Edwards, the complaint must be dismissed as to these respondents.

In addition, the complaint presents no evidence that the contributions cited in the news article are illegal. The complaint and the accompanying news article recite facts

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from the public record of the names, employers and amounts given by various contributors to Edwards for President. These facts are then embellished with irrelevant, anecdotal bits of "information" which may not be factually correct and which are not pertinent to a violation of Section 441f. The complaint provides information on a contributor's party registration, past financial history and employment, frequently making allegations regarding their campaign donation history. In reality, there is no way for the complainant to show that a certain individuals' contributions were "the first they've ever made." Complaint at 2. Many contributions to State or local candidates are never reported, and even federal law does not require disclosing the name of contributors giving less than \$200. Thus, the complaint blends a few facts with fiction to distort the circumstances surrounding certain contributions. Despite this distortion, it nevertheless is not illegal for individuals employed by the same law firm to make a contribution to the same candidate, it is not illegal for a non-voter to make political contributions, and it is not illegal for a registered Republican to make contributions to candidates of another party.

As the complaint states "...[I]t is impossible to conclude, in the absence of hard evidence, that violations of the Federal Election Campaign Act have taken place...." Complaint at 2. Similarly, *The Hill* article concludes:

"There is no direct evidence that the pattern of giving in this article constitutes improper or illegal activity on the part of any individuals, law firms, or the Edwards campaign. Legal support staffers who spoke to *The Hill* said they neither expected nor were promised reimbursement for their contributions." Complaint at 5.

The Commission should dismiss this complaint. To launch an investigation based on the fact that contributors work for the same employer, have had past financial difficulties, and are not registered with the same party as the candidate would be unfair and have a chilling effect on individual participation in the political process. This is especially true when there is not one shred of evidence of wrongdoing on the part of the contributors or the campaign.

Sincerely,



Lyn Utrecht

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